



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
May 12, 2008
5:00 P.M.
Council Office

COUNCIL MEMBERS PRESENT:

V. Spencer, S. Marmarou, M. Goodman-Hinnershitz, D. Sterner, M. Baez, S. Fuhs, J. Waltman

OTHERS IN ATTENDANCE:

C. Younger, T. Butler, R. Hottenstein, T. McMahon, W. Heim, L. Kelleher, S. Katzenmoyer, B. Reinhart, M. Mayfield, C. Jones

Vaughn Spencer, President of Council, called the Committee of the Whole meeting to order at 5:05 p.m.

I. Canvassing and Solicitation Ordinance

Ms. Butler reviewed the ordinance. She noted the change to the definition of political candidate and the modified exemption to address the issues brought forward by Mr. Kosikowski.

Chief Heim noted that the ordinance is not intended to curtail the ability of these groups but rather to regulate them. The permit process would allow him to review these groups to be sure they are legitimate. He noted that canvassers could be casing neighborhoods for future thefts. He also noted that the permit process should not be problematic for legitimate groups and it gives the Police Department enforcement powers if complaints are called in.

Ms. Goodman-Hinnershitz noted that Mr. Kosikowski was addressing political issues in general. She questioned how this revision addresses his concerns. Chief Heim noted that he would need to apply for a permit but there is no fee.

Mr. Spencer questioned what other cities do to address this issue. Ms. Butler noted that this ordinance is modeled after the ordinance in State College.

Mayor McMahon noted his belief that there should be no exceptions and that all groups should go through the permit process.

Mr. Sterner noted his hope that action would be taken on this ordinance this evening as it has been before Council for several months.

II. Local Redevelopment Authority

The Ordinance to be introduced is modeled after a sample provided by the Office of Economic Adjustment.

Mr. Younger distributed a memo outlining legal questions regarding City Council's involvement in the LRA process.

Mr. Fuhs questioned if Mr. Younger advised the Administration not to meet with Berks Women in Crisis regarding the LRA. Mr. Younger noted that he did not. Mr. Fuhs further questioned if Mr. Younger felt he is unbiased in this situation. Mr. Younger expressed his belief that he is unbiased. Mr. Fuhs noted the conflicts that occur when a solicitor serves both Council and the Administration. He noted that Mr. Younger attended a meeting with a representative from the OEA and expressed his disagreement with the OEA's advice on the process. Mr. Younger noted that he had nothing in writing to verify the process. He noted his belief that the governing body is not involved except to pass the legislation creating the LRA. Mr. Fuhs expressed his belief that Mr. Younger should recuse himself from this issue.

Mayor McMahon noted that he has no authority in this process. He noted that the representative from Berks Women in Crisis is an acquaintance and requested information on the process. He further noted that Berks Women in Crisis has filed a letter of intent as has the Reading School District. He is not advocating for either party.

Mr. Spencer questioned if Berks Women in Crisis approached the City Clerk for information. Ms. Kelleher stated that they did not. Their representative requested to speak to Council at a meeting but Council's agenda that evening did not allow sufficient time. A subsequent time was suggested but not confirmed.

Mr. Sterner questioned the reasoning behind the solicitor's memo. Mr. Younger stated that he has no clear answer to these questions. He noted the possibility that Council acting as the LRA could be a constitutional issue. Mr. Fuhs noted that if Council acts as the LRA the recommendation goes directly to HUD and the Department of Defense.

Mr. Spencer suggested a conference call with the representative of the OEA. These questions should be discussed and clarified.

Mr. Spencer questioned why Berks Women in Crisis feels the process is not being followed.

Mr. Fuhs questioned why the Reading School District feels concerned as well. Mr. Spencer noted that he believes the School District has a more immediate need.

Mr. Hottenstein suggested that the issues be clarified and the process followed.

Mr. Spencer noted the ordinance will be introduced this evening but no action is necessary at this time. He suggested that Council submit their questions and all issues be resolved during the conference call. The LRA has a set timeline.

III. Disruptive Tenant Ordinance

Mr. Sterner noted that this ordinance has been discussed by the Public Safety Committee. It is the Committee's intent to decrease the number of DCRs to two and to enforce landlord follow through of the eviction process.

Ms. Mayfield reviewed the amendments as requested by the Public Safety Committee. She also noted that the fee to file an appeal will be increased to \$75. Ms. Kelleher questioned if this fee would cover the cost of a court stenographer. Ms. Mayfield noted that the amendment requires the payment of administrative costs.

Mr. Marmarou noted the problems in his neighborhood caused by landlords not following through with the eviction process.

Ms. Goodman-Hinnershitz noted that she attended an appeal hearing. She noted the tenant's lack of remorse and hopes to remain in the property until the end of the semester. She noted that this tenant continues to disrupt the neighborhood.

Mr. Marmarou questioned if the housing permit can be revoked. Ms. Mayfield and Mr. Reinhart noted that this is already included in the Housing Ordinance. Mr. Marmarou questioned why this has not occurred. Ms. Mayfield stated that she is following up on this case.

Mr. Sterner questioned how long the eviction process takes. Ms. Mayfield noted that it could take up to a year if appeals are filed.

Mr. Spencer suggested contacting the Berks County Court Administrator for the eviction process and timeline.

Mr. Marmarou noted his frustration with the 800 foot restriction on student rental housing.

Mr. Spencer noted that Council becomes frustrated that ordinances are created and enacted but are not enforced.

Mr. Sterner questioned if these amendments would force landlords to follow up on the eviction process. Ms. Mayfield noted that they would have 30 days to file an appeal. If no appeal is filed, the permit will be revoked. Mr. Sterner noted the need for a process to follow up on the eviction process.

Mr. Spencer expressed the opinion that the issue is uncooperative landlords.

IV. Agenda Review

Council reviewed items on the agenda for the regular meeting of Council.

The meeting was adjourned at 6:50 pm.

Respectfully Submitted

By: _____
Linda A. Kelleher, City Clerk